IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NOs : 9016 and 13265 of 2004

Between:

1 Syed Moid Omair, S/o.syed Majeebaddin,
R/o.8-1-523/196, IJM Towars, Brindaven Colony,
Tolichowk, Hyderabad.
2 Mvsaib-Bin-Saber, S/o.Saber-Bin-Salam,
R/o.plot No.595, Aurora Colony,
Banjara Hills, Road No.3,Hyderabad.
3 G.Srikanth, S/o.G.Balaiah,
R/o.H.No.3-7-87, Indranagar, Ramanthapur,
Hyderabad.

..... PETITIONERS

AND

1 The Controller of Examination, Jawaharll Nehru

Technological University (JNTU), Kukatpally,Hyderabad.
2 The Principal, Mannam Institute of Science and Technology

Aloor (V) M Chevella (M), R.R.Dist.
3 The Principal, CVR College of Engineering Branch,

Ibrahimpatnam, R.R.Dist.

.....RESPONDENTS

W.P.No.9016 of 2004

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, more particularly one in the nature of writ of Mandamus, declaring the action of the respondents in not permitting the petitioners to appear for the B-Tech (Mechanical) II Year II Semester Examination which is

going to be held 13th and 15th of May, 2004, as arbitrary and illegal and further direct the respondents to permit the petitioners to appear for the B-Tech (Mechanical) / CEC II year II Semester examinations which is going to be held on 13th and 15th of May, 2004.

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W.P.No.13265 of 2004

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the action of the respondents in not permitting the petitioners to appear for the B.Tech (Mechanical) C.E.C.II Year II Semester Examination which was conducted in the month of May, 2004 as arbitrary and illegal and further direct the respondents to permit the petitioners to appear for the B.Tech (Mechanical) C.E.C. II Year II Semester Examination to be conducted by the Respondent herein in future.

Counsel for the Petitioners: MR.V.VIJAYA RAMA RAJ

Counsel for the Respondents: MS.C.KODANDA RAM (Standing Counsel)

The Court at the stage of admission made the following:

COMMON ORDER:

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Writ petition No.9016 of 2004 is filed to declare the action of the respondents in not permitting the petitioners to appear for the B.Tech Mechanical/ C.E.C. II year II Semester examination, to be held on 13th and 15th of May, 2004, as arbitrary and illegal.

Writ petition No.13265 of 2004 is filed to declare the action of the respondents in not permitting the petitioners to appear for the B.Tech Mechanical/ C.E.C. II year II Semester examination, which was held in the month of May, 2004, as arbitrary and illegal.

In the counter affidavit filed by the respondent University, it is stated that all the petitioners have put in less than minimum percentage of attendance, and hence, they were not permitted to attend the examination. It is further stated that a Division Bench of this Court in ***K.PRADEEP V. JNTU, HYD*** while considering the rules (1) that a candidate has to put in a minimum of 75% of attendance in aggregate of all the subjects for acquiring credits in the 1st year and or each semester thereafter; (2)

condonation of shortage of attendance in aggregate upto 10% (65% and above, and below 75%) in each semester of 1st year may be granted by the College academic Committee, held that no direction can be issued to the University to condone the shortage of attendance if the attendance put in by the candidates is below the required percentage of attendance i.e., 65%.

In view of the same, the petitioners, who have put in less than minimum percentage of attendance i.e. 65%, cannot complain that the respondents arbitrarily not permitted them for B.Tech (Mechanical)/ C.E.C. II year II semester examinations.

Writ petitions are devoid of merits and are accordingly dismissed. There shall be no order as to costs.

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(A.GOPAL REDDY,J)

Dt:12.10.2004

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To

1 The Controller of Examination, Jawaharll Nehru

Technological University (JNTU), Kukatpally,Hyderabad.

2 The Principal, Mannam Institute of Science and Technology

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